

INDIANA EMERGENCY RESPONSE COMMISSION (IERC) MEETING
Indiana Government Center South
302 West Washington Street
Indianapolis, Indiana
July 13, 2009 1:00 P.M.

WELCOME AND INTRODUCTION

Chairman Mike Garvey welcomed everyone to the meeting and asked for roll call.

ROLL CALL TO ORDER

Mike Garvey—IDHS	Bruce Palin—State Government
Brian Lott—Local Government	Thomas Melville—State Government
James Pridgen—Industry	Mike Bigler—State Government
Roger Powers—Local Government	Sherman Greer—Local Government
Dean Larson—Public	Shawn French—Industry

The following commission members were absent:

Carol Shelby—Public	William Reed—Public
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The following staff members were present:

Laura Stedham—IDEM	Ian Ewusi—IDEM/IDHS
Mara Snyder—IDHS	John Steel—IDHS

The following members of the audience were present:

Jeff Larmore—Marion County LEPC	Jim Plum—Jefferson County LEPC
Brian Spivey—IDHS	Eric Thrasher—IDHS

QUORUM

The LEPC coordinator indicated that a quorum was present.

CONSIDERATION OF THE MINUTES

A motion to approve and adopt the May 11, 2009, minutes was made by Mr. Powers and seconded by Mr. Larson. **MOTION CARRIED.**

REPORT OF THE CHAIR

Mr. Garvey introduced Shawn French from Eli Lilly and Company as the new industry representative for the IERC. He asked the commission members to assist in the search for a candidate to fill the other open IERC industry representative slot. Mr. Garvey also discussed the current status of the H1N1 flu outbreak.

COMMITTEE REPORTS

Communications Committee—Sherman Greer, Chair

Mr. Greer provided the planning update on the Fall Emergency Management Alliance of Indiana (EMAI)/IERC Conference and provided a draft copy of the conference agenda to commission members. He made a motion to provide \$5,000 to EMAI to cover the costs of the conference and was seconded by Mr. Lott. **MOTION CARRIED.**

Mr. Greer also offered a motion to provide an additional \$1,500 to the EMAI to purchase portfolios for conference participants and was seconded by Mr. Pridgen. **MOTION CARRIED.**

Policy/Technical Committee—James Pridgen & Dean Larson, Co-Chairs

Mr. Larson asked that the current IERC roster be brought to the September meeting so members could check the accuracy of their contact information. He also recommended that the current online list of commission member contact information be in PDF format.

Training Committee—Carol Shelby, Chair

No Report

Fiscal Committee—Bruce Palin, Chair

Mr. Palin discussed the recent augmentation of the IERC budget to fund the development of the EPCRA reporting web-based system.

Chairman Garvey asked for a motion to approve all committee reports. A motion to accept the reports as submitted was made by Mr. Larson and was seconded by Mr. Melville. **MOTION CARRIED.**

OLD BUSINESS

No Report

NEW BUSINESS

E-Plan—Mr. Ewusi reported on a letter sent by U.S. Department of Homeland Security (DHS) to the National Association of SARA Title III Program Officials (NASTTPO). The letter informed that DHS was in the process of putting together a database of current SARA Title III Tier II facility records from all 50 states. The letter also indicated that all first responders would have access to this database upon request. Mr. Ewusi added that he had invited Dr. Harris from University of Texas–Dallas, who is also the director of this project, to offer a presentation on the project at the September IERC meeting.

I.U. School of Law Hazmat Exercise (Request for Funding)—Mr. Ewusi reported on a request for funding support from the Indiana University School of Law in Indianapolis. The law school was seeking a funding amount of \$3,400 from the IERC to cover the cost of a hazardous materials exercise scheduled in September for attorneys and public officials from various communities who deal with environmental law. A discussion ensued on whether the IERC could legally honor this request in the form of a sponsorship and/or whether the law school should be looking for other funding sources such as their LEPC. Mr. Ewusi indicated that he would forward the request letter to commission members after the meeting for their review so that a formal IERC decision could be made at the next meeting.

LEPC Awards and Recognition—The commission engaged in a discussion to consider offering financial incentives to LEPCs for exceptional work done during the year in the area of planning and exercise development. The Policy/Technical Committee was charged with setting up the criteria for the Greg Phillips Award for the upcoming conference. Mr. Garvey made a motion to review the entire awards program and come up with ideas on how to revamp the awards program and was seconded by Mr. Bigler. **MOTION CARRIED.**

REPORT OF THE FIELD REPRESENTATIVE

Mr. Ewusi reported on the 2009 LEPC funding. He indicated that on July 2, 2009, 57 LEPCs were recommended to receive funding for meeting the 7 statutory requirements in 2008. The 57 LEPCs have received their funds and an additional 6 LEPCs were in the process of completing the funding requirements to receive their designated funds. Mr. Ewusi reported that he had been contacted by some LEPCs with concerns about reductions in the funding amounts they had received. He therefore reviewed the funding allocations for the last 3 years and noted that the allocations appeared to be decreasing. He reported that a review of the data of fee-paying EPCRA facilities indicated a reduction by about 1000 facilities. Mr. Ewusi provided the following as possible reasons for the reduction:

- Facilities no longer in business
- Difficulties experienced by facilities using the state's online/electronic reporting system
- Decreasing chemical inventories at facility storage locations
- Switching to chemicals not subject to reporting
- Discrepancies between the number of facilities reporting to the state (IERC) and the LEPCs, which should be the same
- Discrepancies between the Department of Revenue and state (IERC) databases of reporting facilities resulting in fee collection errors
- Facilities unaware of EPCRA reporting requirements due to staff turnover
- Facilities ignoring the EPCRA reporting requirements

- Lack of consistent enforcement action, noting that the commission does not directly enforce EPCRA violations
(The process begins with the LEPC contacting the non-reporting facility, the LEPC referring the matter to the IERC for non-response, the IERC following up with a letter to the facility for non-response, the IERC requesting enforcement action from EPA if the facility does not respond or remedy the violation, and EPA determining when to proceed with enforcement action.)

MEMBERSHIP ROSTER APPROVALS

Mr. Ewusi reported that the following counties had submitted new or updated rosters for approval:

Decatur	Hamilton	Porter	Warrick
Gibson	Marshall	Warren	White

Mr. Lott made a motion to approve the rosters and was seconded by Mr. Bigler.

MOTION CARRIED.

LEPC COMMENTS

Mr. Jim Plum with Jefferson County LEPC requested that a draft copy of all meeting minutes be posted on the IERC website prior to commission meetings. He inquired whose responsibility it was to contact and work with the facilities about the new online/electronic Tier II reporting.

Mr. Ewusi noted that if the new Tier II online/electronic reporting system is going to be instituted, then various workshops on how to use the system must be conducted for the reporting facilities. He noted that the workshops could start as early as September of this year so that many of these facilities could be reached before the reporting deadline.

Mr. Jeff Larmore with Marion County LEPC asked how LEPCs should submit their exercise proposals for the September District 5 exercise. He also asked if local and federal facilities were exempt from EPCRA reporting as stated in the instructions for the HC-500 form published by the Department of Revenue.

Mr. Ewusi informed Mr. Larmore that each LEPC has to submit its own exercise proposal request form for the district exercise to receive proper credit for the exercise. He also reported that the exemption statement as stated in the instructions for the HC-500 form was inaccurate. Mr. Ewusi noted that local and state facilities were only exempt from paying the associated EPCRA fees but not from reporting their chemical inventories. He informed Mr. Larmore that he will contact Revenue to make the necessary correction.

EPA COMMENTS

No Report

PUBLIC COMMENTS

Mr. Dean Larson from Lake County reported that Lake Shore Area Regional Recovery of Indiana had supplied handbooks published by the National Fire Protection Association (NFPA) on national

preparedness standards to public libraries, colleges, universities and EMA offices. He also noted that an update to the 2010 edition of NFPA 1600 will be out for public comment soon. Mr. Larson mentioned that the EMAP standard went out for public comment on July 1, 2009, and that interested parties can review and make comments on it at the EMAP website.

NEXT MEETING

September 14, 2009, 1:00 P.M.
Indiana Government Center South, Conference Room 1

ADJOURNMENT

Meeting was adjourned at 3:09 P.M.

Joseph E. Wainscott, Jr., Chair